BILL NO. S-91-03-27

SPECIAL ORDINANCE NO. S-83-91

AN ORDINANCE approving the awarding of Reference #1557 by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and **CENTERLINE INDUSTRIES, INC.** for the Traffic Engineering Department.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA;

SECTION 1. That Reference #1557 between the City of Fort Wayne, by and through its Department of Purchasing and **CENTERLINE INDUSTRIES, INC.** for the Traffic Engineering Department, respectfully for:

> **the purchase of pavement marking materials for the Traffic Engineering Department;**

involving a total cost of Fifty Thousand Six Hundred Fifty-Four and 40/100 Dollars ($50,654.40), all as more particularly set forth in said Reference #1557 which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

D. Shaw
Councilmember

APPROVED AS TO FORM
AND LEGALITY

J. Timothy McCaulay
J. Timothy McCaulay, City Attorney

REF NO.:	1557
DEPT.:	TRAFFIC ENGINEERING
DATE:	03/20/91
ITEM/SERV.:	PAVEMENT MARKING MATERIALS

PURCHASING INFORMATION

ADVERTISED BID:	YES
DATES ADVERTISED:	02/19/91 & 02/26/91
OPENING DATE:	03/14/91
WRITTEN QUOTE:	NO
DUE DATE:	
VERBAL QUOTE:	NO
SINGLE SOURCE:	NO
NO. OF VENDORS NOTIFIED:	25
NO. OF VENDORS RECEIVING BID:	7
NO. OF VENDORS RETURNING BID:	5
NO. OF VENDORS DISQUALIFIED:	0
NO. OF VENDORS NOT RESPONDING:	20
DATE SENT TO DEPT. FOR RECOMM.:	03/15/91
DATE RECOMMENDATION REC'D IN PURCH:	03/15/91
COUNCIL INFORMATION	DATES SENT EXTENSION DATES
DATE INFO SENT TO LAW DEPT.:	03/20/91
INTRODUCTION DATE:	03/26/91
DISCUSSION DATE:	04/02/91
PASSAGE DATE:	04/09/91
ORDINANCE NO.:	

AMOUNT APPROVED AND/OR SPENT LAST YEAR:
(IF APPLICABLE)

REFERENCE NO. 1557
PAVEMENT MARKING MATERIALS
3-15-91

DESCRIPTION	QTY	UNIT	GOLDTRAP CORP		CENTERLINE IND		LINEAR DYNAMICS		SERVICE SUPPLY		SHERWI
WHITE NON REFL	250	GAL	$4.60	$1,150.00	$4.73	$1,182.50	$4.08	$1,020.00	$4.92	$1,230.00	NO BID
YELLOW NON REFL	200	GAL	$4.43	$886.00	$4.76	$952.00	$4.08	$816.00	$4.62	$924.00	
WHITE FAST DRY	7150	GAL	$4.46	$31,889.00	$4.23	$30,244.50	$4.30	$30,745.00	$4.76	$34,034.00	
YELLOW FAST DRY	4290	GAL	$4.29	$18,404.10	$4.26	$18,275.40	$4.27	$18,318.30	$4.71	$20,205.90	
				$52,329.10		$50,654.40		$50,899.30		$56,393.90	

NOTE:VARIOUS INCLUSIONS ON BIDDERS PRICE SHEETS

BIDDERS PROPOSAL SECTION

REFLECTIVE AND NON-REFLECTIVE PAVEMENT MARKING MATERIAL

ESTIMATED QUANTITY	COLOR	TYPE OF MATERIAL	PRICE PER GAL F.O.B FT. WAYNE	TOTAL
250 gal. (5 gal. pails) (50 pails)	White	Non-Reflective	$4.73*	$1182.50
200 gal. (5 gal. pails) (40 pails)	Yellow	Non-Reflective	$4.76*	$952.00
*7,150 gal. (55 gal drums) (55 gal per drum)	White	Fast Drying Traffic Paint	$4.23*	$30,244,50
**4,290 gal. (55 gal drums) (55 gal per drum)	Yellow	Fast Drying Traffic Paint	$4.26*	$18,275.40
*All or None; truckload delivery of 3300 gallons at one time			GRAND TOTAL:	$50,654.40

*4,675 Gallons of this item is included for Allen County Highway Dept. Purchase and Use.

**2,640 Gallons of this item is included for Allen County Highway Dept. Purchase and Use.

FRONT PAGE/INVITATION TO BID
DEPARTMENT OF PURCHASING
CITY OF FORT WAYNE, ALLEN COUNTY, INDIANA
ONE MAIN STREET - ROOM 350
PHONE 219-427-1101

BID OPENING DATE 3-14-91 @ 11:00 AM BID REFERENCE # 1557

SEALED BIDS SHOULD BE DELIVERED TO DEPARTMENT OF PURCHASING, ROOM 350, CITY-COUNTY BUILDING UP TO 11:00 A.M. ON OR BEFORE OPENING DATE.

SEALED BIDS WILL BE OPENED PUBLICLY AT 11:01 A.M. IN THE BOARD OF WORKS & SAFETY CONFERENCE ROOM ON THE THIRD FLOOR OF THE CITY-COUNTY BUILDING. "NO LATE BIDS WILL BE ACCEPTED AFTER 11:00 A.M. FOR ANY REASON WHATSOEVER".

THIS INVITATION FOR BID IS FOR FAST DRYING TRAFFIC PAINT

PER SPECIFICATIONS

AND REQUESTED BY TRAFFIC ENGINEERING DEPT

THIS BID REQUIRES A XXXXX 5% BID BOND, CERTIFIED OR CASHIER'S CHECK OF ALL BIDDERS.

THIS BID REQUIRES A $10,000.00 EQUIPMENT PROTECTION BOND

PROMPT PAYMENT DISCOUNTS WILL BE ALLOWED AS FOLLOWS: _____%
IF PAID WITHIN _____ DAYS.

THIS INVITATION IS ISSUED TO ESTABLISH A CONTRACT TO SUPPLY THE CITY OF FORT WAYNE WITH A COMMODITY OR SERVICE IN ACCORDANCE WITH ACCOMPANYING SPECIFICATIONS.

THE EXECUTION HEREOF BY THE BIDDER IS ACCEPTANCE OF ALL TERMS AND CONDITIONS HEREIN AND IN THAT REGARD THE BIDDER AGREES TO BE BOUND BY SAME AND BE BOUND TO THE AMOUNT OF HIS/HER BID FOR A PERIOD OF NINETY (90) DAYS.

FIRM NAME CenterLine Industries, Inc.

STREET ADDRESS P.O. Box 6

CITY Ennis, Texas PHONE # 214-875-8661

BY Annette Miller Annette Miller, Assitant Vice President
REPRESENTATIVE SIGNATURE

CERTIFICATE OF COMPLIANCE FOR

REFLECTORIZED PAVEMENT MARKING PAINTS
(to be attached with all papers on bid quotes)

To: Office of City Traffic Engineer
Room 740, City-County Building
Fort Wayne, IN 46802

Having Authority to act for the CenterLine Industries, Inc.
(Company Name)

_____, of P.O. Box 6, Ennis, Texas
(Address)

_____, I do hereby certify that the Reflectorized Pavement Marking Paints submitted under this contract by the aforementioned company do conform and meet the specification as set forth for this contract.

I further certify that said paints are manufactured by CenterLine Industries, Inc. _____, and have been tested by a bonafide Testing Laboratory, and so meet the standards set forth in the specifications.

CenterLine Industries, Inc.

(Signature) Annette Miller

Name Annette Miller

Title Assistant Vice President

For the CenterLine Industries, Inc.

of Ennis, Texas

Prescribed by the State Board of Accounts

Form No. 95 (Revised 1987)

BID, OFFER OR PROPOSAL FOR SALE OR LEASE OF MATERIALS

(Defined at I.C. 36-1-2-9.5)
(Please type or print)

Date: 3-12-91

1. Governmental Unit: City of Fort Wayne, Indiana
2. County:
3. Bidder (Firm): CenterLine Industries, Inc.
   Address: P.O. Box 6
   City/State: Ennis, Texas
4. Telephone Number: 214-875-8661
5. Agent of Bidder (If applicable): N/A

Pursuant to notices given, the undersigned offers bid(s) to Fort Wayne, Indiana (Governmental Unit) in accordance with the following attachment(s) which specify the class or item number or description, quantity, unit, unit price and total amount.

The contract will be awarded by classes or items, in accordance with specifications. Any changes or alterations in the items specified will render such bid void as to that class or item. Bidder promises that he has not offered nor received a less price than the price stated in his bid for the materials included in said bid. Bidder further agrees that he will not withdraw his bid from the office in which it is filed. A certified check or bond shall be filed with each bid if required, and liability for breach shall be enforceable upon the contract, the bond or certified check or both as the case may be. CenterLine Industries, Inc.

Signature of Bidder or Agent
Annette Miller, Assistant Vice President

BID OFFER OR PROPOSAL

Attach separate sheet listing each item bid based on specifications published by governing body. Following is an example of the bid format:

Class or Item	Quantity	Unit	Description	Unit Price	Amount
1	250	gal.	white	$4.73*	$1182.50
2	200	gal.	yellow	$4.76*	$952.00
3	7150	gal	white	$4.23*	$30244.50
4	4290	gal	yellow	$4.26*	$18275.40

*All or None; truckload delivery of 3300 gallons at one time.

NON-COLLUSIVE AFFIDAVIT

STATE OF ~~INDIANA~~ Texas)
Ellis COUNTY) SS:

The undersigned bidder or agent, being duly sworn on oath, says that he has not, nor has any other member, representative, or agent of the firm, company, corporation or partnership represented by him, entered into any combination, collusion or agreement with any person relative to the price to be bid by anyone at such letting nor to prevent any person from bidding nor to induce anyone to refrain from bidding, and that this bid is made without reference to any other bid and without any agreement, understanding or combination with any other person in reference to such bidding.

He further says that no person or persons, firms, or corporation has, have or will receive directly or indirectly, any rebate, fee, gift, commission or thing of value on account of such sale.

CenterLine Industries, Inc.
Bidder (Firm)

Annette Miller
Signature of Bidder or Agent Assistant Vice Presiden

Subscribed and sworn to before me this 12 day of March, 1991.

My Commission Expires: 12/9/91

Earlene Boon
Notary Public

County of Residence: Ellis

EARLENE BOON
NOTARY PUBLIC
STATE OF TEXAS
My Commission Expires 12-09-91

EARLENE BOON
Notary Public Printed Name

ACCEPTANCE

There now being sufficient unobligated appropriated funds available, the contracting authority of _____ (Governmental Unit) hereby accepts the terms of the attached bid for classes or items numbered _____ and promises to pay the undersigned bidder upon delivery the price quoted for the materials stipulated in said bid.

Date: _____

Contracting Authority Members:

_____ _____
_____ _____
_____ _____

Employers Mutual Casualty Company

HOME OFFICE • DES MOINES

BID BOND

Bond No._____

(NOT VALID IF BID AMOUNT EXCEEDS $ 63,318.00)

KNOW ALL MEN BY THESE PRESENTS: That We, Centerline Industries Inc.

as Principal, and the EMPLOYERS MUTUAL CASUALTY COMPANY, a corporation organized and existing under the laws of the State of Iowa and authorized to do business in the State of Indiana, as Surety, are held and firmly bound unto the City of Fort Wayne, Purchasing Department as obligee, in the sum of Five percent of the amount bid ---------- (5%/bid)---------- DOLLARS, lawful money of the United States of America, to the payment of which sum of money well and truly to be made, the said Principal and Surety bind themselves, their and each of their heirs, executors, administrators, successors and assigns, jointly and severally, by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, that, if the Obligee shall make any award to the Principal for:

Supply: 250 gallons white paint in 5 gal. cont.
200 gallons yellow paint in 5 gal. cont.
7150 gallons white paint in 55 gal. cont.
4290 gallons yellow paint in 55 gal cont.

according to the terms of the proposal or bid made by the Principal therefor, and the Principal shall duly make and enter into a contract with the Obligee in accordance with the terms of such proposal or bid and award and shall give bond for the faithful performance thereof, with the EMPLOYERS MUTUAL CASUALTY COMPANY as Surety or with other Surety or Sureties approved by the Obligee; or if the Principal shall, in case of failure so to do, pay to the Obligee the damages which the Obligee may suffer by reason of such failure not exceeding the penalty of this bond, then this obligation shall be null and void; otherwise it shall be and remain in full force and effect.

Signed, Sealed and Dated this 14th day of March 19 91

Diane Sulak
Witness

Centerline Industries Inc.
Principal

By: Annette Miller
Annette Miller, Assistant Vice President

EMPLOYERS MUTUAL CASUALTY COMPANY
Surety

Margaret L. Watt
Witness

By: Andrew P. Thome
Andrew P. Thome
Attorney-in-Fact

Employers Mutual Companies
P.O. Box 712 Des Moines, Iowa 50303

№ 033363

CERTIFICATE OF AUTHORITY INDIVIDUAL ATTORNEY-IN-FACT

Notice: The warning elsewhere in this Power of Attorney affects the validity thereof. Please review carefully.

KNOW ALL MEN BY THESE PRESENTS, that:

1. Employers Mutual Casualty Company, an Iowa Corporation
2. Emcasco Insurance Company, an Iowa Corporation
3. Union Mutual Insurance Company of Providence, a Rhode Island Company
4. Illinois Emcasco Insurance Company, an Illinois Corporation
5. Dakota Fire Insurance Company, a North Dakota Corporation
6. American Liberty Insurance Company, an Alabama Corporation

hereinafter referred to severally as "Company" and collectively as "Companies", each does, by these presents, make, constitute and appoint

ANDREW P. THOME, MARIAN DRAUGELIS, JEANNETTE DAVIS, INDIVIDUALLY, ST. LOUIS, MISSOURI---

its true and lawful attorney-in-fact, with full power and authority conferred to sign, seal, and execute its lawful bonds, undertakings, and other obligatory instruments of a similar nature as follows:

IN AN AMOUNT NOT EXCEEDING FIVE HUNDRED THOUSAND DOLLARS----------($500,000.00)

and to bind each Company thereby as fully and to the same extent as if such instruments were signed by the duly authorized officers of each Company, and all of the acts of said attorney pursuant to the authority hereby given are hereby ratified and confirmed.

The authority hereby granted shall expire April 1, 1991 unless sooner revoked.

AUTHORITY FOR POWER OF ATTORNEY

This Power-of-Attorney is made and executed pursuant to and by the authority of the following resolution of the Boards of Directors of each of the Companies at the second regularly scheduled meeting of each company duly called and held in 1990.

RESOLVED: The Chairman of the Board of Directors, the President, any Vice President, the Treasurer and the Secretary of Employers Mutual Casualty Company shall have power and authority to (1) appoint attorneys-in-fact and authorize them to execute on behalf of each Company and attach the seal of the Company thereto, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof, and (2) to remove any such attorney-in-fact at any time and revoke the power and authority given to him. Attorneys-in-fact shall have power and authority, subject to the terms and limitations of the power of attorney issued to them, to execute and deliver on behalf of the Company and attach the seal of the Company thereto, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof, and any such instrument executed by any such attorney-in-fact shall be fully and in all respects binding upon the Company. Certification as to the validity of any power of attorney authorized herein made by an officer of Employers Mutual Casualty Company shall be fully and in all respects binding upon this company. The facsimile or mechanically reproduced signature of such officer, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power-of-attorney of the Company, shall be valid and binding upon the Company with the same force and affect as though manually affixed.

"WARNING: This power invalid if this wording is not in red and diagonally imprinted, and if the signatures of the officers and notary publics do not appear in black, and if the "EMC" Watermark does not appear in the top half center of the page, and if the remainder of the power is not printed in blue."

IN WITNESS WHEREOF, The Companies have caused these presents to be signed for each by their officers as shown, and the Corporate seals to be hereto affixed this 29th day of January 19 90

Seals

Robb B. Kelley, Chairman
of Companies 1, 2, 3, 5, & 6

Philip T. Van Ekeren, Secretary
of Companies 1, 2, 3, 5
Assistant Secretary of Company 4

Bruce G. Kelley, Chairman
of Company 4

Donald L. Coughennour,
Assistant Secretary of Companies 1, 2, 3, 5, & 6

On this 29th day of January AD 19 90 before me a Notary Public in and for Polk County, Iowa, personally appeared Robb B. Kelley, Philip T. Van Ekeren, Bruce G. Kelley, and Donald L. Coughennour who being by me duly sworn, did say that they are, and are known to me to be the Chairman and Assistant Secretary, respectively, of each of The Companies above; that the seals affixed to this instrument are the seals of said corporations; that said instrument was signed and sealed on behalf of each of The Companies by authority of their respective Boards of Directors; and that the said Robb B. Kelley, Philip T. Van Ekeren, Bruce G. Kelley, and Donald L. Coughennour acknowledge the execution of said instrument to be the voluntary act and deed of each of The Companies.

My Commission Expires October 2, 1992

KRISTIE L. TYLER
MY COMMISSION EXPIRES
10-2-92

Kristie L. Tyler
Notary Public

CERTIFICATE

I, David L. Hixenbaugh of the Employers Mutual Casualty Company, do hereby certify that the foregoing resolution of the Boards of Directors of each of The Companies, and this Power of Attorney issued pursuant thereto on January 29, 1990 on behalf of Andrew P. Thome, Marian Draugelis, Jeannette Davis are true and correct and are still in full force and effect.

In Testimony Whereof I have subscribed my name and affixed the facsimile seal of each Company this 14th day of March 19 91

David L. Hixenbaugh

Read the first time in full and on motion by Schmidt, seconded by Long, and duly adopted, read the second time by title and referred to the Committee on Finance (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19____, at _____ o'clock ____.M.,E.S.T.

DATED: 3-26-91

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by DeDiuanta, seconded by Bradbury, and duly adopted, placed on its passage. PASSED ~~LOST~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	8			1
BRADBURY	✓			
BURNS	✓			
EDMONDS	✓			
GiaQUINTA	✓			
HENRY	✓			
LONG	✓			
REDD				✓
SCHMIDT	✓			
TALARICO	✓			

DATED: 4-9-91

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as ~~(ANNEXATION)~~ ~~(APPROPRIATION)~~ ~~(GENERAL)~~ (SPECIAL) ~~(ZONING MAP)~~ ORDINANCE ~~RESOLUTION~~ NO. S-83-91 on the 9th day of April, 19 91,

ATTEST
Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

SEAL
Samuel J. Talarico
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of April, 19 91, at the hour of 1:30 o'clock P.M.,E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 11th day of April, 19 91, at the hour of 10:00 o'clock P.M.,E.S.T.

PAUL HELMKE, MAYOR

DIGEST SHEET

TITLE OF ORDINANCE: SPECIAL

DEPARTMENT REQUESTING ORDINANCE: PURCHASING

SYSNOPSIS OF ORDINANCE: AN ORDINANCE APPROVING THE AWARD OF REFERENCE NO. 1557 FOR THE PURCHASE OF PAVEMENT MARKING MATERIALS FOR TRAFFIC ENGINEERING. SHOULD BE AWARDED TO CENTERLINE INDUSTRIES IN THE AMOUNT OF $50654.40.

IF NOT LOWEST, WHO WAS AND WHY WERE THEY NOT AWARDED:

EFFECT OF PASSAGE: PAVEMENT MARKING PAINT WOULD BE AVAILABLE FOR THE MAINTENANCE PROGRAM.

IF REPLACEMENT, WHAT NECESSITATES: S-91-03-27

EFFECT OF NON-PASSAGE: THERE WOULD BE NO PAVEMENT MARKING PAINT AVAILABLE THAT IS USED BY THE SIGN & MARKING DIVISIONS OF TRAFFIC ENGINEERING FOR THE 1991 MAINTENANCE PROGRAM.

PRIOR APPROVAL REQUESTED: NO

MONIES INVOLVED: CENTERLINE INDUSTRIES INC
$50654.40

PRICE AGREEMENT: NO

PURCHASE ORDER: YES

ACCOUNT INFORMATION: 138-011-OFFC-4275
TRAFFIC ENGINEERING

PRIOR APPROVAL: DATE:
(IF APPLICABLE)

BILL NO. S-91-03-27

REPORT OF THE COMMITTEE ON FINANCE

MARK E. GiaQUINTA, CHAIRMAN
DONALD J. SCHMIDT, VICE CHAIRMAN
BRADBURY, REDD, BURNS

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS REFERRED AN (ORDINANCE) (~~RESOLUTION~~) approving the awarding of Reference #1557 by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and CENTERLINE INDUSTRIES, INC. for the Traffic Engineering Department

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE) (~~RESOLUTION~~)

DO PASS	DO NOT PASS	ABSTAIN	NO REC
Mark E. GiaQuinta			
Donald J. Schmidt			
Janet G. Bradbury			
Thomas C. Burns			

DATED: 4-9-91.

Sandra E. Kennedy
City Clerk